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The Juridical Rev. (Part 2 Aug 1963)

JURIDICAL REVIEW

OBSERVATIONS ON *THE CONCEPT OF LAW*

FROM Austin to Kelsen, the connection of law with force has been in the main an accepted tenet of jurisprudence, whether that tenet has been expressed in the assertion that fear of sanctions gives law its binding character, or in the form "law is a coercive order." It is, therefore, not the least of the surprises of Professor Hart's most valuable book, *The Concept of Law*, to find the assertion that law without sanctions is perfectly conceivable.[1] This is one of the points at which further discussion of Professor Hart's views may be necessary. The second point which it is proposed to consider here is Professor Hart's discussion of the "external" and "internal" points of view in relation to propositions of law. Both points may give rise to some observations on a method followed by Professor Hart almost throughout his book, namely, the investigation of the *use* of legal terms and legal rules as a guide to their meaning and nature.

The earlier part of Professor Hart's book is concerned with first elaborating and then criticising a version of Austin's theory of the nature of law. In the course of his criticism he advances most clearly and cogently the objection that a "command" theory does not fit rules of law such as those which specify the conditions under which a will is valid. He then discusses the variations on the command theory which have been constructed to avoid this difficulty, and so is led to Kelsen's version, in which all genuine laws are directions to officials to apply sanctions under certain conditions, and where, by greater and greater elaboration of

[1] *The Concept of Law*, p. 38.

the conditions stated in the rules, all legal rules, including those conferring and defining the manner of exercise of private or public powers, can be restated as parts of the antecedent clauses of norms which direct officials to apply sanctions. After a lengthy discussion, Professor Hart rejects this view of law.[2] One main ground, he says, is the general objection that law without sanctions is perfectly conceivable; we shall return to this later. The other grounds for rejecting Kelsen's theory are that in various ways it distorts the manner in which legal rules actually function. Thus Professor Hart argues that the characteristic technique of the criminal law is to regulate the behaviour of members of society by rules; in general the members of society are left to discover and apply these rules for themselves, being provided with a motive for obedience in the sanction of the rules. Only if this technique fails, and the rules are broken, are officials concerned to identify breaches and impose sanctions. Accordingly, Kelsen's theory is distorted, in that it conceals the characteristic way in which the rules of criminal law function. Again, if, as Kelsen's theory requires, we jettison the idea that the function of the rules of criminal law is to guide not only officials operating a system of penalties, but also ordinary citizens in ordinary activities, cardinal distinctions are abandoned, and the specific character of law as a means of social control is obscured. Thus, the distinction between a fine and a tax is lost because in both cases the relevant rules reduce to the same form. Normally, however, there is a distinction; a fine involves an offence, a tax does not. If we compare the rules of a game with those of law, it can be seen that a great distortion is involved: the rules of a game could be reduced to directions to the umpire or scorer when to record a "run" or order a man off, but we would naturally protest that this conceals how the rules operate and are used by the players in guiding purposive activities. Further, on Kelsen's recasting, elements which are as characteristic of law and as valuable to society as that

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[2] *Ibid.*, p. 35 *et seq.*

of "duty" are lost, or treated as merely subordinate. Rules relating to powers, whether private or public in character, confer competences, and are used in a form of purposive activity quite different from submission to coercive control or performance of duty. "Such power-conferring rules are thought of, spoken of, and used in social life, differently from rules which impose duties; and they are valued for different reasons. What other tests for difference in character could there be?"[3]

It is at once clear that what condemns Kelsen's theory in Professor Hart's eyes is that legal rules are used in many different ways, and that they appear in many different guises besides that of directions to officials to apply sanctions. Professor Hart, however, does not seem to deny that it is *possible* to recast all rules of law so as to reduce them to the Kelsenian formula. Such a recasting would perhaps be very difficult, and the resulting "norm" would be very complex. Thus it is easy enough to reframe a rule such as that requiring two witnesses to the execution of a will in the form "if there is a will having two witnesses, and if . . . then sanctions must be applied to the executor"; but if any attempt were made to include in the reorganised "norm" all the relevant rules of evidence, procedure and jurisdiction, the result would be an inordinately long and elaborate statement. Moreover, there may be some considerable difficulty in deciding the status of certain evidentiary rules: for example, is the rule against hearsay only a part of many other rules (". . . and if the fact is proved by evidence other than hearsay . . .") or is it also an independent norm directing the judge to apply sanctions if hearsay evidence is insisted upon? The task of reframing the law would be no easy one, and the product would probably not be conspicuous either for clarity or comprehensibility. The practitioner would find a Kelsenian law-book of no use for his purpose, because, as is rightly pointed out by Professor Hart, he uses the rules in many different ways. Nonetheless, the rules *could* be stated in the

[3] *Ibid.*, p. 41.

form of directions to officials to apply sanctions under certain conditions.

That being so, it is no answer to Kelsen to say that the rules of law can be used in many different ways. Kelsen starts with the view that law is a coercive order: of course if that view can be disproved, the whole theory based on it falls to the ground. For the moment, however, let us merely assume that Kelsen is correct in this, for the purpose of showing why it is that Professor Hart's criticisms do not affect the essentials of Kelsen's theory. Law, then, is a means of social control whose specific technique is the use of coercion. Of course this theory immediately meets the objection that there are rules of law, such as the rules conferring powers or defining jurisdictions, which are not, on the face of them, coercive. Yet these are undoubted rules of law, forming part of systems which are clearly legal systems. The point of Kelsen's theory is that although these rules are not, in the form in which they are normally stated, rules backed by sanctions, nevertheless they can be stated in a form which shows how they are connected with the ordering of sanctions. The judge dealing with an action against an executor must consider, first, whether he has jurisdiction, secondly, whether there is a duly executed will properly proved before him, thirdly, what that will provides, fourthly, whether the executor is proved to have failed to implement it, and so on. Only when all these conditions are satisfied is he entitled or bound to order a sanction. Thus from the judge's point of view all these rules do appear as conditions for the ordering of the sanction. The judge's way of using the rules is only one of many possibilities, but it is the way which indicates how the rules are related to the element of coercion which, Kelsen insists, is essential to law. If a rule cannot be stated so as to bring it into this relation with the use of coercion, then it is not a legal rule.

Professor Hart repeatedly relies on the analogy between a legal system and the rules of a game. This is certainly a very useful and helpful comparison, but the analogy is not quite perfect. Most games originated or were devised as

mere amusements for the players; the modern, highly competitive, aspects of sport are a late development. Probably even now most of us play games for amusement. Consequently, it can be suggested that our attitude to the rules of a game may be slightly different to our attitude to other, more compulsive, rules. Cheating is always with us; and the more important the result becomes, whether financially or otherwise, the more likely is deliberate evasion of the rules of a game. Nevertheless, the starting-point is a deliberate shared acceptance of the rules by the players. A person who disobeys the rules merely spoils the game; and most games are played most of the time without a referee. Accordingly, it is the voluntary obedience of the players which is foremost in our minds when we consider the rules of a game. It is this underlying attitude which makes it seem absurd to say that the rules are directions to the referee to apply sanctions on certain conditions. Nevertheless, the rules could be expressed as directions to the referee, and such a formulation is not quite so absurd if we consider those forms of professional sport where the players stand to gain or lose financially by the result, and deliberate breaches of the rules in order to steal an advantage are not uncommon. However, when we consider the rules of games and their functioning, it is this element of voluntary acceptance which is uppermost in our minds. It may, therefore, be suggested that too much insistence on the analogy between law and the rules of games may mislead us into underestimating the importance of the coercive element in law. Rules of law are clearly much more compulsive, much less the product of voluntary acceptance by the subjects than are the rules of games.

Professor Hart's objections to Kelsen's theory are all based on the fact that rules of law are used in many different ways. Thus he argues that the primary function of rules of criminal law is to guide the behaviour of members of society. This is certainly true; the purpose of the legislature in enacting a rule forbidding theft is to stop people stealing. Again, it is quite true that there is a distinction between a

fine and a tax; sometimes laws which order the exaction of a money payment for certain activities also contain an injunction not to pursue these activities; sometimes they do not. On this point, however, Professor Hart really gives his case away by admitting that what was intended to be a fine, a penalty, can come to be regarded as a mere tax.[4] There is no formal or essential difference between a rule prescribing a fine and one prescribing a tax. Both can be expressed as rules directing officials to exact certain payments on certain conditions. The difference lies only in the way the rules are expressed. It has, however, certain consequences, for in the complex working of the legal system an important part is played by the feeling that what the law forbids ought not to be done. Whether that feeling of obligation to obey the law is classed as a part of morality rather than of law is not for these purposes important; such differences in the law as that between a fine and a tax are important because of that feeling. Nonetheless, the rules are in form the same in both cases; moreover, they may be used in precisely the same way. The income tax avoider uses the rules of taxation to plan conduct just as much as any member of society uses the rules of the criminal law for that purpose. Both types of rule can be used in different ways by different people; but both can be reduced to one form. The making and the stating of rules of law is a purposive activity, and as the purposes may vary, the rules are naturally stated in the form most convenient for the particular purpose which is most prominent. But all the rules must be connected somehow with the use of force, if coercion is the specifically legal technique of control. The essence of Kelsen's theory is that despite all the various forms and uses of actual legal rules, they can all be reduced to one form; and this form is of primary importance because it is the form which exhibits the connection of legal rules with coercion. The same argument applies in the case of rules conferring powers or competences: unless a

[4] *Ibid.*, p. 39.

connection with the use of force can be exhibited by reframing the rules, these powers are not legal powers.

Professor Hart's subsidiary arguments against Kelsen can thus be met, but the process serves to demonstrate how vital to the whole of Kelsen's theory is the contention that control by coercion is the specifically legal technique. If, as Professor Hart says, law without sanctions is perfectly conceivable, Kelsen's whole theory falls. Unfortunately, it is difficult to identify any section of Professor Hart's book in which he clearly argues for the conclusion that a legal system without sanctions can be conceived. The difficulty is increased by the fact that Professor Hart does refer to the role of sanctions without making clear how he conceives that role. Thus he asserts that unless, in general, sanctions were likely to be exacted from offenders there would be no point in making particular statements about a person's obligations, and that such statements presuppose belief in the continued normal operation of the system of sanctions.[5] Obligations, he says, are supported by serious social pressure; and when physical sanctions are prominent or usual among the forms of pressure used, we shall be inclined to classify them as legal rather than moral obligations.[6] This comes very close to being an admission that law is, after all, a coercive system. Again, Professor Hart says that to speak of legal obligations "presupposes" a system of sanctions in operation. These various formulations may no doubt be broadly acceptable; the trouble is that they are not exact enough. What exactly does "presuppose" mean? What kind of sanctions or what kind of system of sanctions is presupposed? If what is meant is that, when I speak of an obligation, I assume that sanctions will be applied if it is not performed, is this not a disguised predictive analysis? Again, if no more exact account of the relation between rule and sanction can be given, are we to suppose that a system of sanctions operating at random without connection with the rules of law is

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[5] *Ibid.*, p. 82.
[6] *Ibid.*, p. 84.

sufficient, if presupposed, to give point to statements in terms of obligation?

Professor Hart refrains from any attempt at a more exact analysis of the relationship between rules of law and the use of force. One may sympathise with the desire to avoid a "predictive" analysis of legal obligations. Professor Hart rightly criticises and rejects the view that being legally obliged means being likely to suffer a sanction if the obligation is not performed. Statements in terms of obligations are, he contends, characteristically used to draw attention to the fact that a particular case falls under a certain rule. Such a statement is a verdict—a decision that a rule applies to a certain case—and it may be used in justifying, assessing or criticising behaviour. So far so good. To say "I have a legal obligation" is certainly not to say "I am likely to suffer a sanction"; but to say "He has a legal obligation" may be a reason for imposing a sanction. It is not, however, enough merely to say that statements in terms of obligation are used to draw attention to the fact that a particular case falls under a certain rule. It is not enough, because any statement in terms of obligation is so used, and moral obligations are spoken of just as frequently as legal obligations. The problem of the distinctive character of legal obligations remains unsolved unless we go on to consider what type of rule we are dealing with. To have an obligation is to fall under a rule; to have a legal obligation is to fall under a legal rule; and a legal rule is one which provides for the use of coercion on certain conditions. Here again, Kelsen's views are preferable to those of Professor Hart. The formulation of rules of law as rules directing officials to apply sanctions on certain conditions remains that which best reveals the specific character of a legal system.

The need to express explicitly the relation between law and force may also be shown by considering *why* it is "pointless" to make statements in terms of obligation when there is no background of operating sanctions. On the one hand, there may be a system of rules which does not provide for or prescribe the use of force in any way. In such

a case, one would tend to doubt the legal character of the rules.[7] On the other hand, there may be rules, such as those of an obsolete system or those contained in a draft Bill, which could be expressed as providing for the use of coercion upon certain conditions. In this case, it is pointless to assess behaviour in terms of the rules because the rules are no longer, or not yet, in operation. The latter type of rules, however, are legal in form, the former are not; there is an important difference between the two. This again suggests that the connection between rules and coercion is somehow fundamental to law, as distinct from other systems of rules. In the end, however, we must fall back on the general understanding of lawyers and laymen. It has been said that the great majority of practising lawyers unthinkingly assume an Austinian theory of law. It is the writer's experience that most laymen (and most students) deny the legal character of international law for precisely Austin's reasons. Lawyers and laymen alike are aware that a considerable part of the community do not at any time voluntarily accept that they should obey the law, and that most people perform their legal obligations not eagerly but reluctantly. They know that a legal system exists to make people do what they do not want to do. If we ignore this understanding, we lose contact with law as it is generally conceived—a body of rules distinct from all others by virtue of its coercive character. If that coercive character is admitted, Kelsen's formulation best expresses how the rules of law are related to the use of force.

In the foregoing it has been necessary to mention the "operation" of a legal system; and it is natural to consider next Professor Hart's account of what it is for a legal system to be in operation—what can be labelled as the old question of validity and effectiveness. There are two questions which can be asked about any system of rules: first, is it legal in character, that is, does it provide for coercion?; secondly, is

[7] There is a difficulty in cases where once a breach of primary rules is established the offender voluntarily undergoes pains and penalties, for example, in monastic discipline. But perhaps in this and all such cases there is a further possible penalty, namely, expulsion from the community, and this is the real "sanction."

it actually in operation? Subject to the points already mentioned, it can be accepted that Professor Hart deals quite properly with the latter question, taking the view that unless there is a reasonable probability that sanctions will be carried out, it is merely pointless to talk of legal obligations. However, the point at which the connection between legal validity and effectiveness becomes crucial is where Professor Hart discusses the validity of the "ultimate rule of recognition" of a legal system—a rule which bears strong resemblances to a *grundnorm*. Here, what Professor Hart says is that the assertion that a given rule of recognition exists can only be an external statement of fact. "The rule of recognition exists only as a complex but normally concordant practice of the courts, officials and private persons in identifying the law by reference to certain criteria."[8] At the same time, Professor Hart rejects Kelsen's formulation, that the validity of the ultimate rule or *grundnorm* is assumed or postulated. Once again, it will be contended that Kelsen's views are preferable to Professor Hart's.

As a preliminary, it is necessary to make some remarks on Professor Hart's discussion of the "internal" and "external" aspects of legal rules. As Professor Hart says, when a group has certain rules of conduct, this fact affords the opportunity for many different yet related kinds of assertion. An observer may describe the behaviour of the group simply in terms of external regularities of behaviour without any reference to rules at all. This is the external point of view. Again, the observer may refer from outside to the fact that the group accepts rules, without accepting them himself. This again is the external point of view. In contrast, a member of the group who uses the rules in evaluating his own conduct and that of others adopts a different "internal" standpoint. The difficulty with this analysis arises over the second kind of "external" statement, that which describes the behaviour of the group in terms of rules accepted by the group but not by the observer.

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[8] *The Concept of Law*, p. 107.

Professor Hart contrasts the expressions, " It is the law that . . ." and " In England they recognise as law . . . " [9] The former, he says, is to be found on the lips of judges and of ordinary men, and is characteristic of the internal point of view; the latter is the appropriate expression of the second class of external statement. Usage may not be quite so regular as Professor Hart suggests, but even accepting that " In England they recognise as law . . ." is not an internal statement, one must still ask " In what sense is this statement external?" The contrast between a mere statement of external observable regularities and an internal statement in terms of rights, duties or valid law is clear enough. But a statement that a rule is recognised is much more than a mere statement of observable regularities; it involves a reference to the internal point of view of the members of the group. The observer who states that a rule is recognised makes use of the notion of rule, with the accompanying ideas of validity, duty and so on, in order to interpret the behaviour of the members of the group. It follows that the absolutely external observer, one who did not have, or did not use, the notion of " rule " at all, could not make or understand any statement except one in terms of regular behaviour and nothing more. The next stage in the argument is to ask whether " obeying a rule " or " accepting a rule " is an observable fact. Here one of Alf Ross's illustrations is relevant. If an observer watches games of chess in progress without any idea of the rules, he could watch for ever and still think that there was a rule against moving the rook's pawn on the opening move.[10] In other words, rules can only be got at by discovering what the players treat as rules. This is equally applicable to law: one can only discover the law by finding out what the group treats as law. Thus the absolutely external observer might, until a recent statute, have noticed that in England people who attempted to kill themselves were often prosecuted,[11]

[9] *Ibid.*, p. 99.

[10] Ross, *On Law and Justice*, p. 15.

[11] The word " prosecuted " itself involves reference to a rule; but the reduction to statements of observable fact could be taken further.

but in Scotland they never were prosecuted. But how could he move from that observation direct to the different rules of law in the two jurisdictions? It follows that the evidence for a statement such as "In England they recognise as law . . ." consists of internal statements about what the law of England is. Moreover, anyone who uses the word "rule," or any normative word such as "obligation" or "duty," is not describing facts; he is applying a scheme of interpretation. He is not merely describing behaviour; he is interpreting it in terms of rules.

It follows that any statement about the "ultimate rule of recognition" is not a factual statement, or at least not a simple factual statement. The simple factual statement here would be one in terms of habits of obedience, regular behaviour, or some similar formula. There is thus more of a problem than Professor Hart seems to allow in the transition from questions of validity to questions of fact. Professor Hart does accept that the observer who uses the notion of rule is referring to the internal point of view of the members of the group under consideration. He does not, however, take the next step, which is to say, as must be said, that such an observer is interpreting, not merely describing, behaviour. Without this step the gap between validity and effectiveness remains open; and to say, as Professor Hart does, that the ultimate rule of recognition exists only as a complex practice of courts and officials is to beg the question. Statements about that practice are not purely external; they involve reference to rules. Moreover, there seems to be a slight contradiction in what Professor Hart says. On page 105 he says that no question can arise as to the validity or invalidity of the rule of recognition; it is simply accepted as appropriate for use. On page 108 he says that the rule can be regarded from two points of view, one of which is expressed in the internal statements of validity made by those who use it in identifying the law. Now it would seem unquestionable that judges can and do say things like "What the Queen in Parliament enacts is valid law," and these are clearly internal statements asserting the validity of the rule of

recognition. What can be asserted can also be denied; and in some sense a question as to the validity of the ultimate rule can arise. It is possible to ask, from an "internal" viewpoint, "Why is that rule valid?" The whole point of Kelsen's assertion that the validity of that rule is assumed is that no answer in terms of higher rules can be given to this question, and that no answer in terms of facts or practice can give an explanation of how the rule is valid. The fact, if it is a "fact," that a rule is accepted does not show that it is valid, because validity is a normative concept, and one cannot infer an "ought" from an "is." From the internal point of view, the answer to the question "Why is the rule of recognition valid?" can only be a reassertion of the rule —the answer is "That is the rule." In that context, Kelsen's assertion that the validity of the ultimate rule is assumed, or is a hypothesis, is not only perfectly clear and without confusion—it is also the only possible solution to the quite competent question "Why is this rule valid?"

It is admittedly equally possible to say that the rule of recognition exists as a complex but concordant practice of judges and officials. Judges and officials do behave in a way that can be interpreted as "accepting" or "applying" the rule of recognition; and in that case, one can say that the rule in question is the rule of an actually operative system. The mere fact that judges do behave in such and such a way is not a justification for asserting that a certain rule is valid; one has to take account of what they think. In describing or investigating a legal system, one is considering a very complex social phenomenon, and the subject considered includes not only external behaviour, but thoughts and feelings. It is no doubt a fact that people treat a certain rule as binding, but it is not a fact which can be ascertained without consulting the people themselves. If the subjects of a legal system consider a rule to be valid, and if that rule which they think valid forms for the external observer an acceptable scheme of interpretation of their behaviour, then that rule is valid and effective. There is no other way of bridging the gap.

In actual practice, the difficulties are very much greater than any analysis suggests. The legal system as it exists, or is generally conceived, includes rules which do not provide for coercion. Thus the provisions of the Coal Industry Nationalisation Acts which require the N.C.B. to promote good labour relations can scarcely be said to be enforceable. These provisions are part of the legal system, however, in the sense that they emanate from the body authorised under the system to create rules of law. They are not "legal" in any other sense, although no doubt the fact of their enactment secures respect for them. A mere glance at the actual rules of recognition shows how other difficulties arise. The many discussions of the *ratio decidendi* of a case do not lead to any simple and clear result. Professor Stone concludes that there is no simple method of determining what the *ratio* of a decision is; one can only describe the ways in which judges deal with previous decisions.[12] And yet, the principle that previous decisions must be followed must form part of the *grundnorm* of the common law systems. Even where, as in France, the presence of a code formally excludes the use of other sources of law, "jurisprudence" and custom play a role which cannot easily be defined. At this level, room must be found for the realist insight; judges do not react uniformly, they reach different conclusions on the same material. The practising lawyer is required to predict what a court will do, and he can do so within limits. Thus, on the question of third-party rights in contract, both the actual decision of the House of Lords and the dissenting opinion of Lord Denning in *Scruttons Ltd.* v. *Midland Silicones Ltd.*[13] were in their different ways predictable. One can go further on this line. The difficulties involved in the application of rules of recognition, such as *stare decisis*, which are to some extent certain are as nothing compared with the difficulties where the rule of recognition itself is wrapped in unpenetrable obscurity. Is there really any clear rule on the

[12] Stone, "The Ratio of the Ratio Decidendi," 22 M.L.R. 597.
[13] [1962] 1 All E.R. 1.

possibility of repeal of section 4 of the Statute of Westminster? Is the real question not rather one of prediction of the possible reactions of a court in circumstances which, at the present, can scarcely be foreseen? At this level, is any certainty ever possible? Yet again, the rule that the House of Lords is bound by its own decisions is founded upon decisions, and in particular one decision,[14] of the House of Lords. The logical difficulties in a doctrine of precedent that "pulls itself up by its own bootstraps" are such that to say that this *grundnorm* or part of a *grundnorm* is a hypothesis or presupposition is not merely the best theoretical approach. It is an exact description of the actual law.[15]

A legal system is a living, working thing. In studying it, one is studying the complex interrelations of many activities and many individual purposes. Such a phenomenon can never be reduced to simple terms. No doubt, then, the Kelsenian analysis is not an exact picture of any legal system; it is too tidy. But that analysis does provide a model of a legal system, rather as the demand and supply graphs of the economists provide a model of the working of an economic system. No actual system has Kelsen's perfect hierarchy of norms. But all systems work in theory in the way Kelsen describes, and in practice they function in a way rather like the perfect Kelsenian system.

It is, therefore, a major criticism of Professor Hart's book that he has seriously underestimated the force of Kelsen's views on several points, and that his theories are in these respects less satisfactory than Kelsen's. The other main point has already been mentioned: it may be suggested that perhaps it is not sufficient in the study of jurisprudence to point out how rules, expressions and the like are used. There are two reasons for this. One is that legal usage is much more complicated and fluctuating than

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[14] *London Street Tramways, Ltd.* v. *L.C.C.* [1898] A.C. 375.

[15] On these logical difficulties, see Dr. Glanville Williams in Salmond, *Jurisprudence* (11th ed.), pp. 187–188; A. W. B. Simpson, "The Ratio Decidendi of a Case and the Doctrine of Binding Precedent" in *Oxford Essays in Jurisprudence* (O.U.P., 1961).

Professor Hart sometimes seems to appreciate. Thus the formula "It is the law that . . ." is not nearly so confined in its usage as he seems to suggest; and the vagueness of the rules governing the use of the word "obligation" may be much greater even than he admits.[16] The second reason is that in studying the nature of law one may be looking for more than an account of the way the rules work—one may be looking for the most typical expression of law. This is not a search for a metaphysical essence—it is a search for the element which is above all legal and which makes law unlike other systems of rules. Or, it may be, it is the search for a model which makes comprehensible the complex structure of a legal system. The reason why the command theory maintains its fascination is that it insists on an element which, despite all unfavourable analysis, is still felt to be typically and essentially legal. However, this element should properly be expressed. It remains fundamental that law not only, in Professor Hart's words, "makes conduct somehow non-optional," but also that it does so in the last resort by the use of force.

[16] *The Concept of Law*, p. 84.